

SEAN J. KIRBY (SK-9511)  
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
30 Rockefeller Plaza  
New York, New York 10112  
Telephone: (212) 653-8700  
Facsimile: (212) 653-8701

STEPHEN S. KORNICZKY, Cal. Bar No. 135532 (*Pro Hac Vice*)  
DANIEL N. YANNUZZI, Cal. Bar No. 196612 (*Pro Hac Vice*)  
MICHAEL MURPHY, Cal. Bar No. 234695 (*Pro Hac Vice*)  
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
12275 El Camino Real, Suite 200  
San Diego, California 92130  
Telephone: (858) 720-8900  
Facsimile: (858) 509-3691

Attorneys for Plaintiff  
NEXTEC APPLICATIONS, INC.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NEXTEC APPLICATIONS, INC., a Georgia  
corporation,

Plaintiff,

v.

BROOKWOOD COMPANIES, INC., a  
Delaware corporation,

Defendant.

Case No. 07CV6901 (RJH)

**PLAINTIFF'S NOTICE OF MOTION TO  
EXCLUDE EXPERT REPORTS,  
REBUTTAL REPORTS AND  
TESTIMONY OF THOMAS  
COLASANTO AND PETER J. HAUSER  
[MOTION IN LIMINE NO. 1]**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of this Motion *in limine* No. 1, the Declaration of Sean J. Kirby, dated September 12, 2011, with exhibits annexed thereto, and all prior pleadings and proceedings herein, Plaintiff Nextec Applications, Inc., by its attorneys Sheppard Mullin Richter & Hampton LLP, will move this Court before the Honorable Richard J. Holwell, United States District Judge, United States District Court for the Southern District of New York, at the United States Court House, 500 Pearl Street, New York, New York, for an Order precluding Brookwood Companies, Inc. ("Brookwood") from introducing the Expert Reports, the Rebuttal Reports and testimony of Thomas Colasanto, and Peter J. Hauser.

//

//

//

//

//

//

//

//

//

//

//

//

//

//

Dated: September 12, 2011

**SHEPPARD MULLIN RICHTER & HAMPTON LLP**

By: s/ Stephen S. Korniczky  
STEPHEN S. KORNICZKY (admitted *pro hac vice*)  
DANIEL N. YANNUZZI (admitted *pro hac vice*)  
MICHAEL MURPHY (admitted *pro hac vice*)  
12275 El Camino Real, Suite 200  
San Diego, CA 92130  
Telephone: (858) 720-8900  
Facsimile: (858) 509-3691  
E-mail: [skorniczky@sheppardmullin.com](mailto:skorniczky@sheppardmullin.com)  
[dyannuzzi@sheppardmullin.com](mailto:dyannuzzi@sheppardmullin.com)  
[mmurphy@sheppardmullin.com](mailto:mmurphy@sheppardmullin.com)

and

SEAN J. KIRBY (SK-9511)  
30 Rockefeller Plaza  
New York, New York 10112  
(212) 653-8700 (phone)  
(212) 653-8701 (fax)